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ABSTRACT

The political and legislative factors that weakened the role of the Florida Board of Regents over a 3-year period (1978-81) are traced in this report. The first section provides background on the functions of the Board from 1968 through 1978, a period characterized by a trend toward centralization and the reduction of university control. Recommendations by the Commission on the Future of Florida's Public Universities, which gave university presidents a potential political power-base through their advisory boards, and the attempt and failure of the Board to achieve constitutional status are highlighted. The second section examines legislative actions that attempted to ensure that Florida public universities had the freedom and governance structure essential to achieving the goal of educational quality, and the resultant reduction of the Board's authority. In addition, efforts to abolish the Board and the formation and effects of the Joint Legislative and Executive Commission on Postsecondary Education and the Postsecondary Education Planning Commission are reviewed. The third section examines the causes of radical transformation of the governance structure of higher education, which included presidential dissatisfaction with centralized control and the failure of the Board to fulfill one of its key missions and provide leadership in a number of areas. The final section explains the current governance structure, citing the vagueness and probable overlap of the functions of numerous planning and coordinating bodies. (AYC)

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The Power Game:

Governance Of Higher Education In Florida

Robert B. Mautz

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Institute for Studies in Higher Education

THE POWER GAME:
GOVERNANCE OF HIGHER EDUCATION IN FLORIDA

Robert B. Mautz

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FOREWORD

We are happy to introduce the first in a series of papers produced as a result of the Fellows Program.

It is appropriate that the first topic should deal with higher education in the State of Florida. It is equally appropriate that the Fellow should be Robert B. Mautz.

The paper which follows confirms the insights of one who was a major player during some of the years under consideration. At the same time, he has been able to be an observer of the Power Game since 1975 when he resigned from the Chancellorship and accepted appointment as Regents Professor at the University of Florida. The reader will find both the historical account and interpretation of the dynamics of public policy in action.

ABOUT THE INSTITUTE

The Institute was established by the higher education faculty to provide a focus for studies in educational policy. It extends the emphasis on the policy sciences at the Florida State University to the discipline of Education.

The Institute is dedicated to a mission of research and service at the state, national, and international levels. Four purposes have been identified, including: (1) To focus upon institutional, state, regional, and national issues of management, governance, finance, educational programs and educational services through descriptive and analytic studies or through synthesizing analytic or evaluative aspects of postsecondary education; (2) To serve Florida State University as well as the State of Florida as a resource for policy analysis and research on issues of postsecondary education within the scope of the Institute's mission, (3) To complement the scholarly activities of the graduate program in higher education of

the Department of Educational Leadership; and, (4) To serve as an initiator of activities and services intended to assist practitioners to deal better with problems and issues confronting immediate and future dimensions of institutional operation and vitality.

ABOUT THE FELLOWS PROGRAM

The Fellows Program is sponsored by the Institute for Studies In Higher Education as one of several initiatives intended to enhance the higher education master's and doctoral programs, contribute to scholarly studies on higher education, and be of service to postsecondary education at the state, regional, and national levels. In addition to the Fellows Program, the Institute augments the instructional program in higher education, sponsors research and developmental projects of faculty within the Department of Educational Leadership and throughout the College of Education, and assists doctoral students of postsecondary education.

The Fellows Program was instituted in academic year 1981-82 with the objective of attracting successful practitioners with demonstrated scholarly interests and abilities who would enrich the graduate program by participation in selected seminars and other opportunities for interaction with faculty and graduate students while in residence. In addition, the Fellow is expected to produce a paper on an issue or problem which reflects his/her interest and experience.

The 1981-82 Institute Fellows were identified through a nomination process whereby faculty and graduate students were invited to submit names for consideration. The higher education faculty then established criteria and priorities which resulted in the identification of those invited. We were most gratified by the enthusiastic response and the fact that all six nominees for 1981-82 accepted our invitation.

Louis W. Bender
Institute Director

Background

Recent developments in higher education have rendered Florida unique. It is not the plethora of planning and coordinating bodies nor the vagueness and probable overlap in their respective functions which makes this statement possible. Nor is it the fact that universities possess newly acquired substantial powers of governance. Other states have a similar distribution of authority between statewide planning and coordinating boards and individual institutions. Rather, it is the fact that the governance function of the universities is exercised by the president without oversight by a university board of trustees which places Florida's universities in a lone category. The story of how, in the span of three short years, the Florida Board of Regents has moved from a strong central statewide governing body to the present situation is a fascinating history worth telling in its own right as well as for the lessons which may be gleaned.

Public universities in Florida historically have been governed by a single board. From the time of the Buckman Act in 1905 until 1965, that single board was called the Board of Control. The Board in turn reported to the Board of Education which consisted of the five elected members of a seven-member cabinet. The Governor acted as chairman. From 1905 until 1957, only three publicly supported universities existed in Florida, and those three universities enjoyed substantial autonomy. That independence did not extend to freedom from legislative controls. Each university's budget and, even, each building was the subject of a separate appropriation, and the Legislature exercised line item control over positions. This intimacy of legislative control rendered it natural for university presidents to intercede directly with the Legislature. They appeared before legislative committees on behalf of programs and appropriations for their institutions and dealt directly with members of the elected cabinet and the governor on budgetary and policy matters. Legislative decisions determined individual salaries, policy, location and size of a building, inauguration or expansion of academic programs, and the comparative relationship of each institution. In 1955, the Legislature authorized new universities although it initially funded only one of those authorized. The authorization and the process which led to the authorization of these additional universities to meet the projected growth of the state made a new structure for planning and governance of universities desirable. In 1963 a study requested by the Legislature culminated in a number of legislative actions. The result of these actions was that, in January 1965, the Legislature abolished the Board of Control and established a nine-member Board of Regents. The Regents were appointed by the governor subject to confirmation by the Senate of the State of Florida. In a studied effort to make the Board

non-political, the Constitution of the state was altered to permit terms of nine years. Terms were staggered so that a vacancy occurred each year, and a governor, whose term was then limited to four years, could not appoint a majority of the Regents. The Regents were granted the power to "govern, regulate, coordinate and oversee the institutions and agencies in the State University System". The staff of the Regents was to be headed by a chancellor appointed by the Regents. The power to appoint university presidents and to set their salaries was also granted to the Regents. The chancellor's position was enhanced by a legislative requirement that the chancellor recommend the appointment of a president.

In 1968, the executive arm of the state government was reorganized. Separate administrative agencies were consolidated into large departments, some of which reported to the governor and others to the cabinet. The Regents, who previously answered to the Board of Education, became a unit of the Department of Education reporting through the Commissioner of Education to the Board of Education. The Board of Education was reconstituted to consist of all seven elected cabinet members including the governor, who remained as chair. As a consequence, the body charged by statute as the chief policymaking and coordinating body for public education was comprised of the Governor, the Commissioner of Education, the Secretary of State, the Treasurer and Insurance Commissioner, the Commissioner of Agriculture, the Attorney General and the Comptroller. All are elected for four-year terms. The Commissioner of Education was designated by statute as Secretary to the Board of Education. The Governor was permitted to serve for two successive four-year terms.

One impact of these basic changes was centralization and removal from the universities of functions over which individual universities had previously exercised enormous influence. Thus, for example, the state-administered civil service-type personnel system was strengthened and enlarged to include all personnel except faculty and high-level university administrators. Perhaps more significantly, from the standpoint of developments in the late 70's, the Regents consolidated nine university requests for operating and building budgets into single documents which did not identify individual institutions. The Regents began to rely increasingly upon the chancellor and his staff for advice with respect to those budgets.

Similarly, the inauguration of new programs came under rigid control by the Regents. The informal action by which a College of Engineering at one university was authorized almost as an afterthought at the conclusion of a Board of Control meeting was no longer possible. Instead, a laborious process of need analysis, planning authorization and final approval was instituted. Planning authorizations became

sufficiently controlled by the Regents so that programs which did not fit into an overall master plan were kept bottled up as an unrealized dream in some university department.

The necessity for the allocation of appropriated funds systematically, quickly, and fairly caused the Regents to change lump sum appropriations to individual universities to a formula distribution. As each university pressed for advantage by claiming differences not recognized by the formulas, the formulas became more refined, more complicated, and, therefore, less easily understood.

Aggravating these changes was the economic blow of the 1973 oil embargo which impacted the Florida economy to a greater extent than many other states. The governor and cabinet, operating under a constitutional mandate to balance expenditures and revenues, reduced all state operating budgets, including those of the universities, by refusing to release all appropriated funds. In 1975, no faculty salary increases were appropriated, and the Legislature continued to increase the student/faculty ratio in an effort to gain money to fund previously authorized programs. These included the medical, dental and veterinary medical colleges as well as the new and expanded universities.

University presidents smarted under a process which they viewed as rigid and cumbersome and which resulted in diminished resources allocated by an incomprehensible formula. It was they who were held responsible by faculty and students for lack of resources or failure to have new programs approved. The Regents were the visible symbol of changes which in the presidents' eyes diminished their stature, thwarted their expansion and program ambitions, and reduced their effectiveness. That the state, rather than the Regents, operated the civil service system, controlled purchasing, appointed architects supervised construction and dictated computer policies was irrelevant. That the economic and political situations caused a reduction of resources was immaterial. The Regents were the conduit and the conduit was seen as the judge and restrainer.

In late 1975, the Regents authorized a course of action designed to renew public support for higher education and to create a broad political base to undergird a push for a major increase in funding. The first step was to create advisory boards for each of the institutions. These boards were composed of prominent citizens and had as their stated purpose to "advise" each president as to the operations of his institution. A second step by the Regents was to highlight the universities' need for funds and to garner widespread support for more generous financing from a wide spectrum of leaders in business, agriculture and politics. To this end the Commission on the Future of Florida's Public

Universities was appointed. Its stated purpose was to engage in a review of the State University System's efforts to date and to recommend future action. Staff of the Commission consisted of members of the Regents' staff. The report of the Commission was entitled "Quality Universities to Serve Florida's Future". The recommendations of the Commission were wide-ranging but, as the title of the report indicates, the report concentrated on the Commission's perceptions as to the need for qualitative improvement. An infusion of additional tax revenues was recommended. From their standpoint, therefore, the Regents had a report of a prestigious citizens group as a base for requesting additional public financial support from the Legislature. The institutional advisory committees provided potential pressure groups of influential citizens who could interact with local legislators to assure realization of the recommendations. This combination and a burgeoning state economy were successful in moving the Legislature to increase appropriations to publicly supported universities.

A side effect of the advisory boards and of the findings implicit in the report by the Commission on the Future of Florida's Public Universities was unexpected. Each president had gained a potential political power base through his advisory board. Complaints by the president to the advisory board regarding lack of autonomy or restrictive regulations could, through reference to the report of the Commission, legitimately be tied to the need for improvement in quality. As importantly, from the standpoint of eventual developments, the lack of quality pointed out by the Commission was attributed in part by some to the lack of effective leadership by the Regents.

In November 1978, an event transpired which left the Regents isolated politically. The terms of Florida's Constitution require that the decade after its enactment and every twenty years thereafter a commission be appointed by the governor and legislative leadership to review the Constitution and submit to popular vote recommended changes. As a result of the work of that Commission, nine changes to the Constitution were placed on the ballot in the fall of 1978 for action by the voters of Florida. A tenth amendment, to legalize casino gambling in Southeastern Florida, was added to the ballot by petition. Proposition Number Eight proposed constitutional status for the Board of Regents. Propostion Eight was overwhelmingly defeated, along with defeat of the other proposed amendments. Among those who campaigned against Proposition Eight was the Commissioner of Education and other members of the Cabinet.

The Regents also made a number of decisions in both program and building allocations which were interpreted by the Legislature as politically inspired. The Legislature responded in a variety of ways. For example, lump sum appropriations for operations were effectively terminated through the use of proviso language in the

appropriations bill which directed and constrained the disposition of the lump sum appropriations. The 1977-78 biennial general approriations bill (passed during the spring session of 1977) contained three pages of proviso language restricting disposition of lump sum appropriations. The 1979-80 Act contained over six pages and the 1981-82 Act contained over seven. In each of those years additional restrictions were included in the "letter of intent" issued jointly by the chairman of the House and Senate Appropriations Committees in the month following the conclusion of the sessions. Capital outlay budget authority of the Regents was similarly restricted by proviso language and the Legislature, in effect, resumed making appropriations for specific buildings in a designated order of priority.

The Legislature also attempted to clarify the unfavorable interstate comparisons contained in the report of the Commission on the Future of Florida's Public Universities by establishing a Commission to investigate the validity of such comparisons. As information was analyzed, the Legislature became convinced that quality was inadequate because of inadequate funding and that the governance of public higher education needed to be changed.

Legislative Action

The Legislature in Florida consists of two Houses. Members of the House are elected for two-year terms, whereas members of the Senate are elected for four-year terms. The terms of the Senate are staggered so that half of the Senate is elected every two years. The House and Senate elect their leaders for a two-year term. The Speaker of the House and the President of the Senate in Florida have authority to appoint all committees and name the chairmen who serve at the pleasure of the presiding officer. They also are the arbiters of reference to committees of all bills introduced. Thus they wield considerable authority. The governor is elected for a four-year term and has line item veto authority with respect to the general appropriations act.

In 1978, a governor was elected to take office in January 1979. The new governor had an abiding interest in education and had served as chairman of education committees in both the House and the Senate as well as chairman of appropriations subcommittees concerned with appropriations to higher education. The President of the Senate elected to preside over the 1979 and 1980 sessions was also pro-education and had served as a member and chairman of various committees dealing with education policy and appropriations. The Speaker of the House elected for the same sessions made public higher education his number one concern and established a separate standing committee on Higher Education to assure that questions concerning higher education would receive

full and expeditious treatment. That Committee, at the urging of the Speaker, set out to put in place legislation which would insure Florida public universities the freedom and governance structure essential, in their eyes, to achieving the elusive goal of quality. The bill, as it emerged from committee and passed the House, gave to each university a Board of Trustees and abolished the Regents. Each university was given the right to prepare and present to the Legislature its own budget as well as substantial other authority to manage its own affairs.

The parallel bill passed by the Senate did not provide for individual Boards of Trustees for each university and preserved the Regents, although with substantially diminished authority. In conference, the concept of the House bill which transferred major operating authority to the universities was adopted but individual Boards of Trustees were not created. In marking up the conference results, the House bill was used and the phrase "Boards of Trustees" was struck wherever it appeared. The bill as enacted thus transferred directly to "the universities" enormous governing power. The Regents were continued but were stripped of substantial governing authority.

As is so frequently the case when equally potent groups holding strongly opposed views compromise, the language of compromise is somewhat vague therefore, several questions arose from the compromise bill as to the authority of the universities. The Regents, however, were left as "...primarily responsible for the adoption of systemwide rules and policies, planning for the future needs of the State University System, planning the programmatic, financial and physical development of the system, reviewing and evaluating the instructional, research and service programs at the universities, coordinating program development among the universities and monitoring the fiscal performance of the universities". The Regents were also forced to decentralize fiscal authority by being given responsibility only to review university budget requests, to recommend modifications to each university's budget, and, subject to provisions of applicable law, present an aggregated budget.

The compromise legislation also embraced the Senate concept of a study of a broad range of issues in postsecondary education as a substitute for a final decision regarding the fate of the Regents. The principal issue dividing the House and Senate was the question as to the future of the Regents, so, regardless of the provisions of the bill as to the range of problems to be addressed in a study, the question of governance received emphasis. For the purpose of the study, a Joint Legislative and Executive Commission on Postsecondary Education was established. The Commission was to consist of twenty-two members plus the Commissioner of Education as an ex-officio member. Five members were to be appointed by the President of the Senate, five members by the Speaker of the

House, and twelve members, including the chairman, were to be appointed by the Governor. A budget was provided and the Commission was to be aided by staff from the governor's office and both houses of the Legislature.

The Governor appointed Florida citizens with records of distinguished public service and demonstrated interest in education. The chairman of the Commission, for example, was president-elect of the American Bar Association and had been a Rhodes Scholar, and Interim President of the University of South Florida. Appointees of the Speaker of the House and the President of the Senate similarly had established legislative records of interest and leadership in higher education. Since the latter appointees were those legislators who had immersed themselves in the issues and proposed legislation to resolve them, some tension in viewpoints, particularly in the area of governance, was assured. The charge to the Commission was:

> "The study shall have as its overall objective the improvement of the quality and efficiency of postsecondary education. The areas which the Commission and the Consultants address their study shall include, but not be limited to, the following:
>
> (a) Governance
>
> (b) Organization, including the position of the Chancellor in relation to the Board of Regents and the several Presidents of the State University System;
>
> (c) Facilities;
>
> (d) Program review and program approval;
>
> (e) Coordination of programs and institutions;
>
> (f) Enrollment patterns and enrollment projection techniques;
>
> (g) Finance, including a review of the current funding methods for the various levels of postsecondary education, and including recommended alternative methods of funding and allocating resources;
>
> (h) The relationship of student fees to the total cost of postsecondary education, the proper uses of student fee revenues, and the relationship between the level of student financial aid and student fees;
>
> (i) Management information systems;
>
> (j) The role of the independent sector;
>
> (k) The role of Postsecondary Education in assisting Florida's economic development;

(1) The current level of quality in Florida's Postsecondary Educational Institutions and the ways in which the current system may be enhanced in a cost-effective manner."

The Commission was authorized to contract with an external consultant for aid in its efforts. Pursuant to this authority, the Commission contracted with the Management Division of the Academy for Educational Development, headed by Dr. John D. Millett and Dr. Andrew H. Lupton, for guidance in preparing its report. The Commission's report to the Governor and the Legislature was due March 1, 1980, at which time the Commission was to cease to exist.

The Commission held its first meeting for the purposes of organizing and planning on September 6, 1979. Thereafter, two-day meetings were held approximately twice a month. A total of twenty-six public meetings were held throughout the State of Florida, thereby giving the consultants and the Commission an opportunity to hear from a wide variety of citizens and educators. In addition to the general consultants, individual consultants were utilized on specific topics. Each meeting was generally organized around a topic, although time was reserved for general discussion or presentations by local people on issues other than the one around which the agenda centered.

The report of the Academy for Educational Development was entitled "A Call to Action" and was a broad-ranging document which outlined the state's needs, proposed a conceptual approach for financing postsecondary education, recommended an approach for enhancing quality, and, finally, outlined possible governance and coordinating structures and set forth the advantages and disadvantages of each possibility. The study concluded that the short time allowed for such a comprehensive study and the complexity of the political structure in Florida precluded the Academy from more than pointing out weaknesses in the existing structure and the advantages and disadvantages of the various structures which could be utilized in Florida. The date of the Academy's approximately 150 page report was December 17, 1979, less than three months after selection as lead consultants. Numerous and lengthy background papers also had been submitted by the consultants to the Commission as the Commission considered the various topics on its agenda.

Following public hearings on proposed recommendations, the Joint Commission submitted its final report to the Governor and the Legislature of the State of Florida on March 1, 1980, the date the life of the Commission expired. The recommendations of the Commission were a combination of broad and specific and related to state-supported universities, state-supported community colleges and independent or private postsecondary education. The first recommendation was that future public policy for

postsecondary education focus on the goal of improving quality. The five specific steps to achieve such improvement included:

(1) definition and evaluation of needs on a periodic basis,

(2) overall planning to respond to those needs,

(3) definition of quality through the use of standards,

(4) decisions as to the use of resources at the level of organization closest to the student, and

(5) matching of programs and abilities of students.

A second major recommendation was that the goal of quality be achieved in part through planning and that a statewide master plan for postsecondary education be undertaken based upon compatible management information systems of the three sectors of postsecondary education. The third major general recommendation related to governance and flowed from the broad conclusion that structural modification was necessary. The Commission recommended the creation of a new Postsecondary Education Coordinating Council with powers to adopt a master plan, approve all new programs in the public sector, and review and terminate programs in the public sector. It also recommended that the Coordinating Council have authority to review and make recommendations regarding all budget requests for all postsecondary education programs. The Commission further recommended that existing boards be continued but that the Regents be expanded from ten to thirteen members and that their terms be reduced from nine to six years. In the area of funding, the Commission noted that the special budgets for professional schools had increased at the expense of the share of appropriations for the education and general budgets which support university activities other than the health and agricultural programs. This shrinkage had resulted in an erosion of FTE student support in terms of real dollars. The Commission recommended that this erosion be offset, that the current enrollment-based formula be supplemented with a program based formula, and that a number of specific steps be taken to enhance funding and to improve quality. One of the specific recommendations was that a Quality Improvement Fund from a new tax source be established to generate a corpus of approximately One Billion Dollars. Income from the corpus would be devoted to quality improvement.

Under the general heading of Role and Scope, the Commission noted that the system of "Two-plus-Two" under which community colleges constituted the principal avenue of access to postsecondary education was working well and should be continued. It also recommended a common calendar for universities and community colleges and, further, recommended that community colleges continue with primary responsibility for

community service activities.

The Commission then addressed some details of educational structure which had been the subject of extensive debate, studies by the Regents, and which had received substantial political attention, namely, the addition of lower divisions to the four universities which did not have lower divisions. The case of the University of West Florida, located in the home district of the President-designate of the Senate, who had publicly pushed for the addition of a lower division, was ignored. The Commission recommended two feasibility studies relating to the other three universities which did not currently have lower divisions. One study was to consider the feasibility of a merger between the University of North Florida located in Jacksonville and the University of Florida located in Gainesville to provide a campus of the University of Florida in Jacksonville. Presumably, an important branch campus of the University of Florida would offer not only lower division programs but also a broad scale of undergraduate and graduate programs.

In addition to the recommendations noted above, the Commission dealt with a wide spectrum of topics in twelve separate recommendations grouped under the label "Special". The topics dealt with ranged from the location of remedial education to the need for increased emphasis on academic and career counseling. A number of recommendations concerned matters related to quality improvement such as improved student-faculty ratios, increased staff assistance and released time for faculty members. Only one of the special recommendations dealt specifically with governance. The Commission followed the lead of numerous previous study groups in recommending that the constitution of the state be amended to eliminate the authority of the governor and the cabinet to act as the Board of Education.

The positions espoused by various legislators prior to their appointment to the Commission were manifest not only in some of the recommendations but also in a dissent by four of the five senators to the Commission's proposals concerning governance. The dissenting group opposed the recommendations of the Commission calling for creation of the new postsecondary Education Coordinating Council and elimination of the authority of the governor and the cabinet to act as the State Board of Education. Continuing study of the governance area was pledged by the dissenters. No formal recommendation by the four senators as a group was made following the expiration of the Commission, although they introduced a bill in the Senate which eliminated the Chancellor and the Regents' staff and retained the Regents as an advisory group to the Commissioner.

The recommendations of the Commission were considered by the 1980 Legislature. The dissent expressed by the Senate members meant the Commission had

not been successful in resolving the issue of governance. The House reiterated its previous position by enacting a bill abolishing the Regents, establishing Boards of trustees for each institution and creating a Planning and Coordinating Commission for Postsecondary Education. The governance question, particularly in the Senate, became entangled with specific concerns of various legislators such as the immediate consolidation of institutions, the question of expanding the upper division public university in Miami into a broad-based comprehensive university, and establishing a lower division at the University of West Florida. The bill which evolved from compromises between the two chambers not only further diminished the Regents' already-eroded authority, but also established Boards of trustees for each university and created a Postsecondary Education Coordinating Commission. It also merged universities, added a city hospital in Jacksonville to the University of Florida Medical Complex and otherwise changed the map of postsecondary education. The Governor's veto of the bill included the following language:

> "I concur in much of the basis of the legislative criticism of the Board of Regents. By my veto, I reject the proposition that a lack of decisive leadership by the Regents should be cured by substitutions of the legislative process as a device for making educational policy.
>
> Rather, I propose an agenda to restore the confidence of the Legislature in the Board of Regents as a necessary functioning intermediary between our universities and our elected political leadership."

In his veto message, the Governor also promised to establish, by executive order, the Planning and Coordinating Commission visualized in the vetoed legislation. The Governor carried out his promise by issuing an executive order dated July 30, 1980, which established the Postsecondary Education Planning Commission (PEPC) and subsequently appointing the eleven members who constitute the Commission. The Commission, administratively housed in the Office of the Commissioner of Education, was charged:

(a) To serve as the state commission on postsecondary education designated under Section 1202 of the 1972 Amendments to the Higher Education act of 1965 (Public Law 89-318);

(b) To prepare and submit to the State Board of Education a master plan for postsecondary education. The plan should include consideration of the promotion of quality, fundamental education goals, programmatic access, needs for remedial education, regional and state economic development, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology, and the requirements of the labor market. The capacity of existing programs, in public and independent institutions, to respond to identified needs should be evaluated and a plan developed to respond efficiently to unmet needs;

(c) To recommend to the Board of Regents and the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education;

(d) To recommend to the State Board of Education rules concerning the planning and coordination of postsecondary education programs;

(e) To advise the State Board of Education regarding the need for and location of new institutions and campuses of public postsecondary education;

(f) To assist the State Board of Education in the conduct of its responsibilities in such capacities as it deems appropriate.

The depth of the division between the House and the Senate on the issue of higher education, particularly in the area of governance, helped bring about the expiration of the regular session with no resolution of the differences and, hence, no bill. The lack of agreement on higher education was also the principal cause of a failure to agree on a state budget which contained appropriations for higher education. A special three-day session with an agenda limited principally to the budget and higher education resulted in the bill vetoed by the Governor. A proviso in the budget appropriation which linked faculty salary raises to the approval by the Governor of the higher education bill was ruled by a lower Florida court to be an improper restraint and the decision was not appealed.

In the 1981 session, despite the initiatives by Senators noted previously, both Houses accepted the compromise on governance represented by the Governor's veto and subsequent legislative action. On the issue of governance, the Legislature limited itself to filling some of the gaps left by the 1979 legislative compromises and tidying up the relationships and legitimizing the boards in place, including the Regents. The president or his designee, for example, was named to exercise the authority conferred upon universities by previous legislation. The Governor's action in creating the Postsecondary Education Planning Commission was ratified by establishing PEPC as a statutory body charged with the responsibilities previously assigned by the Governor's executive order. PEPC was also given a budget and was enlarged by the addition of a student member for a total membership of twelve. Members are citizens of Florida, appointed for staggered four-year terms. The student member serves for one year. Appointments are by the Governor with approval by three members of the Board of Education other than the Governor, subject to confirmation by the Senate.

The Regents were left intact as a concept but endured further changes and reductions in responsibility consistent with the basic concepts of allocation to universities the authority and responsibility which underlaid much of the language of the previous House bills. The number of members was increased from nine to thirteen in an

effort to end the alleged allegiance of each Regent to a single university. The Commissioner of Education's role as the single political person responsible for all of education was augmented by making him an ex-officio member of the Regents. The term of each Regent, except the ex-officio and the student member, was reduced from nine to six years. In recognition of the reduced role of the Regents, the staff was reduced from 218 to 136 positions. The internal auditing function, along with staff assigned to that function, was transferred to the individual universities. Some agencies attached to the Regents were reassigned either to universities or other governmental agencies, and some funds administered by the Regents were transferred to the Department of Education for administration. The sum of the various decisions was to leave the Regents as a body with a staff more appropriate to its reduced responsibilities, with concentration on policy rather than on details of administration and with a sufficient number of Regents so that their allegiance would be to the system of Higher Education rather than to any single university.

The Legislature also continued to augment the funding for the education and general budgets of the universities. This increase consisted of additional appropriations for "quality" improvement, scientific and technical equipment and library material purchases. Salary increases were such that in the three years beginning in September 1979, average faculty salaries were raised by approximately thirty percent with a goal of moving salaries into the upper quartile based upon national rankings. Despite strong union pressure, particular emphasis was directed towards providing presidential discretion in giving merit increases and advancing salaries of the most distinguished faculty.

The belief on the part of universities that the game was now political was evidenced during the 1981 session by increasing the use of professional lobbyists and by university employment of individuals whose primary or sole duty was representation of a university's interests to the Legislature. The Regents were obviously no longer the principal spokesmen for higher education.

A salient feature of the 1979 actions by the Legislature has been enactment of a State Tuition Voucher Fund for private colleges and universities. The Fund provided a tuition subsidy to a Florida resident who attended a Florida private institution. The Regents had previously been authorized to contract with private schools for certain programs. The 1979 Legislature was specific with respect to the necessity for such arrangements and provided funds for implementation. Both the Voucher Fund and the authority to contract with private institutions were part of a growing recognition that the independent sector could make a valuable and cost-effective contribution to the

education of Florida citizens and that the rate of expansion of the public universities could be slowed considerably by incorporating the capacity of the private institutions into overall planning and making it financially possible for Florida students to utilize that capacity. Both aspects of this concept had been given only lip service by the Regents, at best, and quiet resistance or footdragging in practice.

Legislative deliberations in 1979 evidenced substantial dissatisfaction with the failure of the Regents to utilize fully their previously granted contracting authority. The recommendations of AED and the Joint Commission included provisions to take account the private institutions in the master plan and to encourage the utilization of the capacity of the independents through the device of the Voucher Fund and contractual arrangements. One of the powers removed from the Regents by the 1981 Legislature was the authority to contract with the private institutions. That authority was given to the State Board of Education which was to act upon recommendations of the newly established PEPC.

Cause

On June 24, 1977 the Chancellor reported to the Regents on the results of the legislative session just concluded. He wrote in part:

> "I do not recall another year in the past when there has been any greater success in getting legislation of interest to the SUS approved. Furthermore, there has been a minimum amount of negative legislation which would impact the State University System.
>
> Overall, there has been the most positive attitude towards higher education in the Legislature that I have observed in many years. I really think that we have "turned the corner" in terms of the type of negative public and legislative attitudes we have experienced during the past decade. That may well be the most significant development of all.
>
> On May 5, I wrote you a memo informing you that the National Council for Advancement and Support of Education (CASE) would make its 1977 "Grand Award" to the SUS this year for our program in the field of "Legislative/Governmental Relations." This award, in effect, recognized the SUS as having the best overall legislative program in higher education in the nation during the past couple of years..."

The Chancellor's report following the 1978 session was equally optimistic. By January 1979, approximately seven months later, it was apparent that a serious attempt would be made by the Legislature to dismantle the governing structure which claimed credit for bringing about an attitude under which such action would have been unthinkable. By June 1981, the governance structure of higher education had been radically transformed. What forces brought about this rapid transformation?

Sorting out the underlying causes and ascribing weight or degrees of influence to them is impossible. With so many players and so much movement over so long a period, each decision point was affected by variables seen differently by each actor. Nevertheless, some broad influences which helped to bring about the final result can be discerned. The impatience of the presidents with centralized control and granting of major powers to those presidents has been mentioned. Different universities used this base to different effect. Nevertheless, the overall impact was to encourage the use of local groups and individuals to influence the attainment of individual university goals rather than goals of a system. A second major factor, and perhaps the most significant, was the attempt and failure by the Regents to attain constitutional status and independence. As appointees of the Governor, Regents had no independent political constituency. Their power base consisted of the Governor who appointed them, the universities they served, the Legislature which received their recommendations, and the Board of Education which ultimately approved their policies and the legislative budget recommendations. The attempt to be constitutionally independent of the Legislature and the Board of Education drove a wedge of distrust and discomfort between them and the Regents. The failure of the amendment stripped the Regents of any illusion that they enjoyed a reservoir of popular appeal or power based upon broad support of the citizenry.

A number of decisions by the Regents were interpreted by the presidents as a response to the parochial interests of a particular Regent "owned" by a university rather than being based on a system-wide perspective. Such an interpretation further encouraged the presidents to appeal to local interests to boost the welfare of the local institution.

Beginning in 1976, the Regents attempted to update the master plan for the State University System. The first master plan adopted by the Regents in 1969 provided that the two oldest universities, Florida State University and the University of Florida, would have as their primary role "to serve as centers for advanced graduate and professional studies." As the new master plan evolved, that role was retained. The University of South Florida, located in the populous Tampa-St. Petersburg area, aspired to a similar role. That university frontally attacked, with the aid of locally elected state politicians who subsequently occupied influential positions in the Legislature, the proposed restrictive policy which became known as Policy Number 26. The Regents abandoned the proposed policy. The new master plan, consisting of broad and extremely general guidelines to be supplemented by individual university role and scope statements developed by each university, was formally adopted by the Regents in February 1978. It was not until after the 1979 legislative session mandated the completion of a master plan

by October 1, 1979, however, that the institutional statements were presented to the Planning and Program Committee of the Regents. The failure of the Regents to execute one of their principal missions and the dispute over Policy Number 26, as well as the disposition of it, alienated many and publicly demonstrated the Regents susceptibility to political pressure. As importantly, the Regents failed to take a stand on many of the issues brought before the Legislature and thus, in the eyes of many legislators, abdicated their principal function of policy advisement.

A politically weakened Board of Regents, which had failed to provide leadership with respect to a number of major issues, was incapable of deflecting a concerted cry to improve quality through destruction of a system originally designed to bring balance, order and rational educational decisions to the competing demands of individual institutions. The Regents' lack of initiative on major policy issues created a partial vacuum which was filled by the Legislature.

An overarching imponderable is the effect of the shift from an expansion mode in which a politically powerful community could witness creation of a university or campus within its political boundaries to a mode in which growth could come only from expansion at the expense of others. Whether any central governance group could withstand the consequent political infighting is an open question. The question may be particularly relevant in Florida which has a long history of legislative intervention in not only policy questions affecting higher education but also in details of institutional operations. That unanswerable question contains inferences for the future, particularly in the light of the overlap in the present coordinating and governing structures. The energetic and able staffs of the legislative committees and current political restlessness enable a continuing strong legislative role in all aspects of postsecondary education.

Aftermath

It is striking to note the similarity among the deliberations and principal recommendations of the various legislative committees, the report of the Regents' Commission on Quality, the report of the AED, and the recommendations of the Joint Legislative and Executive Commission. A scissors and paste pot comparison of the recommendations of AED and the Commission, for example, demonstrates remarkable congruence between the two on the major educational recommendations. Only in the area of governance is there disagreement or tentativeness, and even on the question of structure, agreement exists that the planning and coordinating function be broadened to take into account community colleges, universities, and the independent sector. Disagreement centers on the structure which can best perform the tasks of planning and

the instruments best adapted to the tasks of management and governance.

The structure which resulted from the compromise is difficult to explain or comprehend even on a theoretical basis. At the top of the postsecondary education structure on the executive side rests the State Board of Education. That Board consists of the Governor and the six elected cabinet members. This group constitutes a collegial plural executive for a variety of major state functions. PEPC is charged with the responsibility for developing a master plan for postsecondary education and recommending such a plan to the Board of Education. To enhance PEPC's authority over the independent sector and to a lesser extent over the universities, it has authority to recommend to the Board of Education contracts for specific programs between the state and independent institutions. It also has two powers which provide potential for augmenting its role. The first is to recommend to the State Board of Education rules concerning the planning and coordination of postsecondary education programs and the second is to assist the State Board of Education in the conduct of its responsibilities in such capacity as the State Board deems appropriate. Lurking in the latter authority is the possibility of reviewing and recommending the budget for higher education since that budget is recommended by the Board of Education to the Governor, who in turn recommends a budget to the Legislature. An enlarged Board of Regents continues with an unspecified relationship to PEPC and with reduced governance capacity over the universities. With planning as one of its major responsibilities, with a sizeable staff, and with a history of close working relationships with the universities, it is not clear how the planning and coordinating functions of the Regents will mesh with the planning and coordinating policy of PEPC. The staff of PEPC is small and the mission is enormous. If the chronological sequence had been different, it is easily conceivable that the principal planning agency would have created some broad guidelines for each segment of postsecondary education and delegated to that segment the responsibility for fleshing out the details. It may still do so. The unfinished nature and generality of the Regents' master plan as well as the stated dissatisfaction of the Legislature with the Regents' planning efforts renders it more difficult for PEPC to stay out of the backyard of the Regents. Time is also a factor since PEPC is expected to have a plan ready for presentation to the Board of Education by June 3, 1982. Failure to produce a master plan in sufficient detail to be acceptable to the Legislature may result in lack of legislative interest in PEPC. Producing too detailed a plan may arouse the universities and cause them to ally with the Regents in a legislative attack on PEPC.

The question of enrollment ceilings provides an excellent example of the

difficulties inherent in the current situation. The Regents have time after time set enrollment caps for the institutions. Each time an institution has neared the cap, the Regents have raised the ceilings. The result is that the unversities do not regard the cap, except for the lower divisions, as significant. Will PEPC ask the Regents for a long range enrollment plan based upon only a total number of university students or will it provide specific guidelines?

In the community college segment, a central staff serves the Commissioner and the Community College Coordinating Board. Each community college also has a Board of Trustees to which the president is responsible. The mission of community colleges has been more limited and local and hence less subject to jurisdictional arguments and competitive programs than that of the universities. The college parallel program of community colleges is limited to the first two years. This limitation has been adhered to in part because degree granting authority rests with the universities. Through that authority universities can control the requirements of the last two years for the degree without much contradiction or community college encroachment. The recent move by the Regents to obtain lower divisions for all of the universities has been met by some of the community colleges with the riposte that the community colleges offer some programs which they should extend to four year degree-granting opportunities. Another major area in which PEPC and the community colleges through their advisory boards may have a conflict is in the area of adult education. Such issues seem clearcut and within the normal scope of a master plan to be evolved by PEPC. Moreover, for a number of reasons, PEPC may well be able to request advice from the community college advisory board and modify those recommendations without creating strong political opposition. The planning and coordinating problems and relationships between PEPC and the Regents are of a different magnitude, much muddier and more subject to disagreement and friction.

The role of the Commissioner of Education has been enhanced, and he becomes the one constant in the governing structure. Although theoretically the Regents, since 1968, reported through the Commissioner to the Board of Education, this tie has been loose. Now the Commissioner of Education sits on the Board of Regents as a voting member. He also houses the staff of PEPC and provides administrative services for it. He has a large and able staff with immediate and daily access to him. This staff could easily become competitive to the staff of the Regents and provide prior briefings to the Commissioner on significant Regents' agenda items. As secretary to the Board of Education, he controls the agenda of that Board and leads the discussions. As cabinet

members change hats to sit as different boards and commissions to do the state's business, they tend to defer to the judgment of the cabinet member whose jurisdiction embraces the question being considered. Rarely has a cabinet member used his position to run for the Office of Governor by striking out on his own while meeting as a member of a board chaired by one of his colleagues. Thus it is unlikely that there would be strong opposition by a member of the Board of Education to a recommendation from the Commissioner of Education.

Other than the Commissioner, no overlap of membership exists among the various planning, coordinating and governing bodies. It is possible that from these realities the Commissioner of Education will emerge as the dominant voice of educational policy making to an extent not visualized in the Legislature. The Regents are without much legal power and without a political power base. PEPC's power may emerge through the force of its recommendations and legislative acceptance of them. It would be a logical progression in all of the circumstances for the Regents and PEPC to become advisory to the Commisssioner in practice. Continuing legislative unrest with the State Board of Education may erupt in a successful attempt to abolish that Board. The Commissioner's powers might be strengthened or weakened by such a change. Time will reveal how these relationships will develop.

The universities are the immediate principal beneficiaries of the three years of legislation. Legislation enacted during 1979-81 was responsive to an undergirding philosophy that management responsibility and commensurate authority should be at the lowest possible level. Substantial authority over their affairs was returned to the universities from state agencies and the Regents. Final decisions on a wide range of subjects can be authored by a president or his designee without reference to the Regents. The division of authority as between public control and institutional independence now leans heavily on the side of institutional independence with confusion as to which of the coordinating authorities will eventually exercise the function of planning or coordination.

The political power of each university may be now sufficiently great so that any master plan may well be subject to legislative exception. In the alternative, universities may be able to ignore the plan with impunity. The placing of authority in the hands of the universities for most aspects of operations except program approval, added to the direct access to the Legislature on budgetary matters which is now theirs, places potential power in each university to do its own planning and to secure funds and legislative authority to implement those plans. Perhaps in anticipation of the master

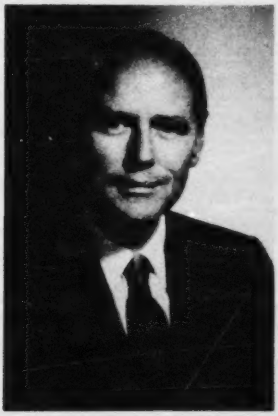
plan, universities have been seeking and obtaining program planning authority from the Regents in broad categories. One of the universities, for example, recently received approval for program planning to grant a Ph.D. in "Engineering".

The slippery and elusive nature of the concepts of "policy" versus "administration" and the tendency of a subgroup to regard establishment of "policy" by a higher authority as intervention in "administration" will provide the basis for some interesting manuevering. It is likely that the present calm may be a prelude to another attempt to solve the uneasy balance between universities seeking autonomy and those in both the legislative and executive branches of state government who wish to bring to the overall educational function rational planning and central direction of utilization of resources. The power now vested in the Commissioner gives some hint as to the shape of planning, governing and coordination, after the present Governor, who has an interest in education, is no longer in office. During the last session of the Legislature, legislators were distraught by the number of university lobbyists who descended upon the Capitol. At one time during the 1981 session, one university was represented by seven administrators lobbying simultaneously. Some were unaware of the presence of the others and two members of that area's delegation who serve on the same committee were given conflicting information. The General Appropriations Act contained a provision that each university could be represented by only the president of the university or his designee. This symbolic prohibition is likely to play only a precautionary role. If a master plan results in serious university-legislative infighting and the universities continue to seek legislative blessing for major program expansion, both of which are likely, the Legislature may soon again be faced with bills which propose to answer problems by changing structure. Again the survivor is likely to be the Commissioner of Education.

Residual structural confusion with respect to some aspects of coordination should not obscure major progress in moving towards an improved higher education system. A master plan is being prepared by a group of competent, dedicated and knowledgeable citizens. They are being assisted by an able professional staff. The legislative attitude is one of wanting to aid and improve higher education. The Governor has announced and the Legislature has embraced quality goals with quantitative measurements such as faculty salaries at the upper quartile of comparable universities. The universities have been granted substantial authority to manage their own affairs for the first time in their existence. A funding plan which is not tied exclusively to enrollments is being formulated. Although the quality improvement fund recommended by the study commission was not established, the Legislature has for three successive years been

generous in its appropriations of categorical funds for specific purposes such as library acquisitions, quality improvement, and purchase of scientific equipment. Salaries have increased during the same period by some thirty percent. The state has encouraged the establishment of endowed chairs by adding $400,000 to $600,000 received by a university from private funds for a chair. The independent sector has become an acknowledged part of the overall state resources and effort in higher education. Student financial aid has been augmented. Widespread public support apparently exists for the stance of the Governor and the Legislature favorable to education. The broad basic steps essential to obtain postsecondary education opportunities and institutions which serve the various needs of the state and include quality and distinction were agreed upon by all who considered the question. The debates by the legislative committees, the recommendations by outside consultants and the recommendations by the Joint Commission are remarkably congruent. The significant recommendations have now been implemented or are in the process of being implemented either through legislative or administrative action. The turbulence of the past few years ended in a compromise which, after a pause, is likely to result in further restructuring. Whatever the disagreements with respect to structure, the dominant motif has been improvement of higher education. Out of the various arguments has emerged understanding, financial support and pledges to achieve quality goals. The turbulence should not obscure the promise of a bright future for Florida's universities.

ABOUT THE AUTHOR



Robert B. Mautz is now in his fourth career. After graduation with honors from Miami University of Ohio and the Yale University Law School, he practiced law in New York City and later served as attorney for Pan American Airways in Africa and the Middle East. Subsequently, he became Executive Officer of the legal division of the Office of Military Government in Berlin after World War II. Later he was law professor and served on numerous committees of the Florida Bar.

A second career as an Air Force officer found him serving in both Africa and Europe during World War II. Following the War, he was active in the Air Force Reserve. His final assignment in the Reserve was as mobilization designee to the Commanding Gerneral, USAF, Systems Command in Washington, D.C. which is responsible for research and development.

The third career has been in education, beginning with his tenure as law professor at the University of Florida in 1950. Subsequently, Mr. Mautz was named Assistant Dean of the Law School and later Vice President for Academic Affairs. On March 18, 1968 he was appointed Chancellor of the State University System, a position he held until 1975.

His present career encompasses the role of Regents Professor at the University of Florida and consultant to many State higher education agenices.

The Cabinet and Legislature of the State of Florida have honored him and enacted resolutions of appreciation for his

outstanding service to the State. The King of Sweden has conferred upon him the Royal Order of the North Star in recognition of his valuable contributions to Swedish-American scientific exchange. Marshall Tito has recognized his contribution to enhancement of Yugoslavian-American relations by conferring on him the Yugoslavian Star With Gold Wreath. The United States has awarded him the Distinguished Service Medal, an award exceeded only by the Congressional Medal of Honor.

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